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OCT 20 2004

**OFFICE OF PETITIONS**

In re Application of	:	
Oleg Logvinov, Fred Skalka	:	
Application No. 10/697,629	:	
Filed: October 29, 2003	:	DECISION ACCORDING STATUS
Attorney Docket No. 102362-037 US	:	UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 C.F.R. §1.47(a), filed September 9, 2004.

The petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on October 29, 2003, without an executed oath or declaration. Accordingly, on February 9, 2004, the Initial Patent Examination Division mailed a Notice to File Missing Parts, requiring an executed oath or declaration and a surcharge for its late filing.

In reply, applicants filed the instant petition on September 9, 2004, made timely by obtaining a five month extension of time. Accompanying the petition is a 37 CFR 1.63 declaration signed by Oleg Logvinov, but with the signature block for Fred Skalka left blank.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

On petition, Rule 47 applicant has included a declaration of James Reeber, as well as copies of e-mail correspondence between Reeber and Skalka. This evidence establishes that Skalka was presented with a copy of the declaration and power of attorney, yet made a express written refusal to sign. While the record does not indicate that Skalka was presented with a copy of the application papers, it is concluded based on the information presented on petition that Skalka understood what he was being asked to sign.

On petition, Rule 47 applicant has satisfied the requirements of 37 CFR 1.47(a). The declaration submitted has been determined to be in compliance with 37 CFR 1.63. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.



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